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IN THE

Supreme Court of the United States

OCTOBER TERM, 1961

No. 889

FEDERAL TRADE COMMISSION, *Petitioner*,

v.

EXQUISITE FORM BRASSIERE, INC., *Respondent*.

RESPONDENT'S BRIEF IN OPPOSITION TO PETITION FOR CERTIORARI

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To the Honorable the Chief Justice and Associate Justices of the Supreme Court of the United States:

CITATION TO OPINION BELOW

The opinion of the Court of Appeals has not yet been reported, and is printed in the Petition for Writ of Certiorari at pages twelve through twenty-six of Appendix A.

JURISDICTION

Jurisdiction is fully covered in the Petition for Certiorari and the statement there made at pages one and two is adopted here by reference.

QUESTION PRESENTED

The question presented is fully set forth in the petition for Certiorari and the statement there made is adopted here by reference.

STATUTES INVOLVED

The respondent accepts the statutes involved as set forth in the Petition for Certiorari on pages two to four.

STATEMENT

Respondent accepts the "Statement" set forth by petitioner on pages four to nine of the Petition for Certiorari.

REASONS FOR DENYING THE WRIT

The respondent does not know nor does it have any way of knowing the internal workings and operations of the Federal Trade Commission. Nor can it follow the rationale of the Commission in handling similar cases in spite of the opinion of the United States Court of Appeals for the District of Columbia.

However, it respectfully submits that the opinion of Judge Prettyman, speaking for a unanimous court is correct, *insofar as* it permits the good faith meeting of competition defense under Section 2(b)[1] available to a seller who is charged with having discriminated between its customers in violation of Section 2(d)[2] of the Robinson-Patman Act.

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[1] 15 U.S.C. Section 13(b).

[2] 15 U.S.C. Section 13(d).

CONCLUSION

It is respectfully submitted that the Petition for a Writ of Certiorari should be denied.

PEYTON FORD
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Of Counsel:
FORD, LARSON, GREENE AND HORAN